

# **SPECIAL MEETING**

## **July 22, 1996**

The Special Meeting of the Annapolis City Council was held on July 22, 1996 in the Council Chamber. Mayor Hopkins called the meeting to order at 7:00 p.m. Alderman Johnson offered the invocation followed by the Pledge of Allegiance.

Present on Roll Call: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Tullier, Snowden, Moyer

Alderman Turner arrived at 7:01 p.m.  
Alderman DeGraff arrived at 7:25 p.m.

Staff Present: City Attorney Goetzke, Planning and Zoning Director Fogarty

### **LEGISLATIVE ACTION**

**R-35-96** For the purpose of approving the public acquisition of the sewer lines, storm drains and streetlights currently located in the Hunt Meadow development of Annapolis; and all matters relating to said acquisition.

Alderman Johnson moved to reconsider Resolution R-35-96. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Tullier, Snowden, Turner, Moyer

CARRIED: 8-0

Alderman Johnson moved to adopt R-35-96 Revised. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Tullier, Snowden, Turner, Moyer

CARRIED: 8-0

### **PUBLIC HEARINGS**

- 1. Major subdivision with variances request by Mrs. John A. Frank, for property located at 95-97 Monticello Avenue; variances to the minimum lot area, lot width and interior side yard requirement to create two zoning lots.**

Planning and Zoning Director Fogarty presented a background report on the application.

Planning Commission Chair Hillman presented the Commission's findings.

Mayor Hopkins accepted into the record a Memorandum to the Annapolis City Council from the Planning Commission dated 7/18/96, and a Memorandum with attachments from Eileen P. Fogarty to the Planning Commission dated 6/14/96.

Anthony F. Christhlf, attorney for the applicant, spoke briefly.

No one from the general public spoke in favor of or in opposition to the application.

Mayor Hopkins declared the public hearing closed with action to be taken at the September 9, 1996 meeting.

2. **Conditional use application of Charles Lewnes to allow an existing restaurant with alcoholic beverage service, t/a Lewnes Steakhouse, to serve alcohol without meals at 401 Fourth Street.**

Planning and Zoning Director Fogarty presented a background report on the application.

Planning Commission Chair Hillman presented the Commission's findings.

Mayor Hopkins accepted into the record a Memorandum to the Annapolis City Council from the Planning Commission dated 7/18/96, and a Memorandum with attachments from Eileen P. Fogarty to the Planning Commission dated 6/14/96.

Maureen L. Duvall, Jr., 77 West Street, Annapolis, attorney for the applicant, spoke briefly. The applicant, Charles Lewnes, was also present.

No one from the general public spoke in favor of or in opposition to the application.

Mayor Hopkins announced there would be a seven day comment period and a seven day reply period for this application.

Mayor Hopkins declared the public hearing closed with action to be taken at the September 9, 1996 meeting.

3. **O-39-96 For the purpose of establishing the Business Revitalization District; and all matters relating to said district.**
- O-40-96 For the purpose of establishing the Residential Revitalization Overlay District; and all matters relating to said district.**

Planning and Zoning Director Fogarty presented background reports on the ordinances.

Planning Commission Chair Hillman presented the Commission's findings.

Mayor Hopkins accepted into the record a Memorandum to the Annapolis City Council from the Planning Commission dated 7/18/96, and a Memorandum with attachments from Eileen P. Fogarty to the Planning Commission dated 5/31/96.

Speaking in favor of the ordinances:

1. Bertina Nick, Chair  
Clay Street Revitalization Committee  
110 Clay Street  
Annapolis, Md. 21401

No one else from the general public spoke in favor of or in opposition to the ordinances.

Mayor Hopkins declared the public hearing closed with action to be taken at the September 9, 1996 meeting.

4. **O-41-96 For the purpose of allowing photography studios and camera and photographic supplies stores as permitted uses in the B1-A Expanded Convenience Shopping District; and all matters relating to said permitted uses.**

Planning and Zoning Director Fogarty presented a background report on the ordinance.

Planning Commission Chair Hillman presented the Commission's findings.

Mayor Hopkins accepted into the record a Memorandum to the Annapolis City Council from the Planning Commission dated 6/20/96, and a Memorandum with attachments from Eileen P. Fogarty to the Planning Commission dated 6/6/96.

Speaking in favor of the ordinance:

1. Tony Evans  
3 Constitution Square  
Annapolis, Md. 21401

No one else from the general public spoke in favor of or in opposition to the ordinance.

Mayor Hopkins declared the public hearing closed with action to be taken at the September 9, 1996 meeting.

**5. Conditional use application of McDonald's Corporation Baltimore Region and Eastport Plaza Limited Partnership to establish a fastfood restaurant at 1007A Bay Ridge Avenue.**

Planning and Zoning Director Fogarty presented a background report on the application.

Planning Commission Chair Hillman presented the Commission's findings.

Mayor Hopkins accepted into the record a Memorandum to the Annapolis City Council from the Planning Commission dated 6/6/96, and a Memorandum with attachments from Eileen P. Fogarty to the Planning Commission dated 4/26/96.

Samuel J. Brown, 221 Duke of Gloucester Street, Annapolis, attorney for the applicant, spoke briefly. James Fratinni, McDonald's Corporation, was present and answered questions addressed by the Council. Muyiwa Ige, McDonald's Corporation and Ron Lipford, Arel Architects, were also present.

Alderman Tullier left at 8:10 p.m.

Speaking in favor of the application:

1. Tom Roskelly  
934 Bay Ridge Avenue  
Annapolis, Md. 21403
2. Tony Evans  
3 Constitution Square  
Annapolis, Md. 21401

Speaking in opposition to the application:

1. Peg Wallace  
934 Bay Ridge Avenue  
Annapolis, Md. 21403

No one else from the general public spoke in favor of or in opposition to the application.

Mayor Hopkins announced there would be a seven day comment period and a seven day reply period for this application.

Mayor Hopkins declared the public hearing closed with action to be taken at the September 9, 1996 meeting.

**6. Conditional use application of McDonald's Corporation Baltimore Region and Minna A. Zelko to establish a fastfood restaurant at 38 West Street.**

Planning and Zoning Director Fogarty presented a background report on the application.

Planning Commission Chair Hillman presented the Commission's findings.

Mayor Hopkins accepted into the record a Memorandum to the Annapolis City Council from the Planning Commission dated 5/13/96, and a Memorandum with attachments from Eileen P. Fogarty to the Planning Commission dated 4/26/96.

Samuel J. Brown, 221 Duke of Gloucester Street, Annapolis, attorney for the applicant, spoke briefly. James Fratinni, McDonald's Corporation, and Robert Zelko, property owner, 4841 NE 2nd Avenue, Fort Lauderdale, Florida were present and answered questions addressed by the Council. Muiyiwa Ige, McDonald's Corporation and Ron Lipford, Arel Architects, Inc., were also present.

Speaking in favor of the application:

1. Bertina Nick  
110 Clay Street  
Annapolis, Md. 21401
2. Gil Renaut, President  
Ward One Residents Association  
115 Monticello Avenue  
Annapolis, Md. 21401

No one else from the general public spoke in favor of or in opposition to the application.

Mayor Hopkins announced there would be a seven day comment period and a seven day reply period for this application.

Mayor Hopkins declared the public hearing closed with action to be taken at the September 9, 1996 meeting.

**LEGISLATIVE ACTION**

**O-48-96** For the purpose of establishing that certain rules recommended by the Alcoholic Beverage Control Board for expedited implementation shall be adopted by resolution of the City Council; and all matters relating to said rules.

Alderman Turner moved to adopt O-48-96 on second reading. Seconded.

The Rules and City Government Committee reported favorably on O-48-96.

The main motion CARRIED on voice vote.

Alderman Johnson moved to adopt O-48-96 on third reading. Seconded. CARRIED on voice vote.

**RESOLUTIONS**

**R-36-96** For the purpose of approving the request from the Alcoholic Beverage Control Board to approve proposed Rule 2.12 of the Rules and Regulations of the Alcoholic Beverage Control Board regarding temporary alcoholic beverage operation by holders of Anne Arundel County alcoholic beverage licenses for property annexed into the City of Annapolis; and all matters relating to said request.

Alderman Turner moved to adopt R-36-96. Seconded. CARRIED on voice vote.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 9:00 p.m.

**Patricia L. Bembe, CMC/AAE  
City Clerk**